

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, )  
vs. )  
Plaintiff, ) )  
TROY LIVINGSTON, ) )  
Defendant. ) )  
                                ) No. 19-MJ-971

**CONTINUANCE OF GRAND JURY PRESENTMENT  
AND REQUEST FOR ORDER TOLLING SPEEDY TRIAL TIME COMPUTATION**

1. I am the defendant in this criminal proceeding.
2. I understand that I have a right to have my case presented to a grand jury within thirty (30) days of my arrest pursuant to 18 U.S.C. §3161(b).
3. I hereby request a continuance of grand jury presentment for an additional period not to exceed 60 days from the date of arrest, for a total of 90 days. I understand the additional 60 days will be excluded for purposes determining compliance with speedy indictment provision of 18 U.S.C. § 3161(b). I further request that an Order be entered providing that this time period shall be excluded from speedy indictment time computation pursuant to 18 U.S.C. § 3161(h)(7)(A).
4. In exchange for my waiver, the government will provide pre-indictment discovery. Continuing the grand jury presentment will also allow my attorney to attempt to negotiate a pre-indictment plea agreement with the government, whose terms may be more favorable than those of an agreement offered after indictment. An expeditious pre-indictment resolution outweighs the public's interest in a speedy indictment and trial as it would conserve valuable judicial, prosecutorial, and law enforcement resources.

5. I understand that if I cannot reach an agreement with the government, my case will be presented to the grand jury at a later date, consistent with this waiver.

6. Assistant United States Attorney David Cowen is in agreement with this request.

Date: 4-17-19

Troy Livingston  
Troy Livingston  
Defendant

I have reviewed the foregoing document with my client and represent to the Court that he understands it. I further represent to the Court that I believe it is in my client's best interest to agree to the contents of this document.

  
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Mallory Gagan  
Attorney for Defendant